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Elimination of racism and racial discrimination

Report of the Third Committee

Rapporteur: Mr. Juraj **Priputen** (Slovakia)

I. Introduction

1. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-sixth session the item entitled "Elimination of racism and racial discrimination" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 56th to 62nd meetings, on 28 and 31 January and 1, 15 and 26 February 2002. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/56/SR.56-62).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant section of the report of the Economic and Social Council for 2001;[1]

(b) Report of the Committee on the Elimination of Racial Discrimination on its fifty-eighth and fifty-ninth sessions;[2]

(c) Note by the Secretariat concerning the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/56/228);

(d) Report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/56/481);

[1] A/56/3; for the final text, see *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 3* (A/56/3/Rev.1).

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 18* and corrigendum (A/56/18 and Corr.1).

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(e) Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, 31 August-8 September 2001 (A/CONF.189/12);

(f) Letter dated 8 May 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/56/71-E/2001/65);

(g) Letter dated 18 May 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/56/79);

(h) Letter dated 14 June 2001 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General (A/56/94);

(i) Letter dated 21 November 2001 from the Ambassador of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, transmitting the Declaration adopted by the Ministers for Foreign Affairs of the Group of 77 at their twenty-fifth annual meeting, held at United Nations Headquarters on 16 November 2001 (A/56/647);

(j) Letter dated 26 November 2001 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General (A/56/649-S/2001/1111);

(k) Letter dated 3 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General (A/56/673).

4. At the 56th meeting, on 28 January, the United Nations High Commissioner for Human Rights addressed the Committee (see A/C.3/56/SR.56).

5. At the same meeting, a statement was made by the Director of the New York Office of the United Nations High Commissioner for Human Rights on behalf of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (see A/C.3/56/SR.56).

II. Consideration of proposals

A. Draft resolution A/C.3/56/L.83 and Rev.1

6. At the 60th meeting, on 15 February, the representative of Venezuela, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Third Decade to Combat Racism and Racial Discrimination and World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance" (A/C.3/56/L.83), which read:

"*The General Assembly*,

"*Reaffirming* its objectives, as set forth in the Charter of the United Nations, of achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"*Reaffirming also* its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter and the Universal Declaration of Human Rights,

"*Recalling* the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

"*Noting* the efforts of the Committee on the Elimination of Racial Discrimination since its establishment in 1970 to promote the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

"*Welcoming* the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001 in Durban, South Africa,

"*Recalling* the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and in 1983,

"*Welcoming* the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

"*Stressing* the importance and sensitivity of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

"*Recalling* with satisfaction the proclamation, in resolution 48/91 of 20 December 1993, of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and the adoption, in resolution 49/146 of 23 December 1994, of the revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,

"*Noting* with grave concern that, despite the efforts of the international community, the principal objectives of the two previous Decades have not been attained and that millions of human beings continue to the present day to be the victims of varied forms of racism and racial discrimination,

"*Noting with great concern* that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase in many parts of the world and that the number of associations established on the basis of racist and xenophobic platforms and charters is increasing, as reflected in the report of the Special Rapporteur,

"*Deeply concerned* that, despite continuing efforts, contemporary forms of racism, racial discrimination, xenophobia and related intolerance against, inter alia, Africans, people of African descent, Arabs, Muslims, Jews and Christians persist or are even growing in magnitude, incessantly adopting new

forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

"*Noting* with grave concern that, as the Third Decade to Combat Racism and Racial Discrimination draws to a close, most of its principal objectives have not been achieved, largely owing to lack of political will and commitment, including lack of adequate funding,

"*Noting with concern* that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

"*Recognizing* that the promotion of tolerance and respect for cultural diversity is an important factor, among others, in eliminating racism, racial discrimination, xenophobia and related intolerance,

"*Alarmed* that technological developments in the field of communications, including the Internet, continue to be utilized by various groups engaged in violent activity to promote racist and xenophobic propaganda aimed at inciting racial hatred and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world,

"*Noting* that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

"*Having considered* the report submitted by the Secretary-General within the framework of the implementation of the Programme of Action,

"*Recalling* its resolution 54/154 of 17 December 1999, in which it requested the Secretary-General to include in his report to the General Assembly at its fifty-fifth session concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action,

"*Recognizing* the importance of strengthening national legislation and institutions for the promotion of racial harmony and for the effective enforcement of such legislation,

"*Remaining firmly convinced* of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

"*Deeply concerned* that the phenomenon of racism and racial discrimination against migrant workers continues to increase, despite the efforts made by the international community to improve the protection of the human rights of migrant workers and members of their families,

"*Recalling* the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

"*Acknowledging* that indigenous people are at times victims of particular forms of racism and racial discrimination,

"*Noting* with concern the existence of multiple discrimination, in particular against women,

"*Stressing* the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

"I

"Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

"1. *Welcomes* the report of the Secretary-General;

"2. *Reaffirms* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world, and expresses its firm determination and its commitment to eradicate, by all available means, racism in all its forms and racial discrimination;

"3. *Recognizes* that Governments implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

"4. *Urges* all Governments to take all necessary measures to combat new forms of racism, in particular by constantly adapting the means provided to combat them, especially in the legislative, judicial, administrative, educational and information fields;

"5. *Calls upon* all States to bring resolutely to justice the perpetrators of crimes motivated by racism, and calls upon those that have not done so to consider including racist motivation as an aggravating factor for the purposes of sentencing;

"6. *Requests* the United Nations High Commissioner for Human Rights to continue assigning high priority to the programmes and activities for combating racism and racial discrimination, including the follow-up of activities;

"7. *Requests* the Secretary-General, in his reports on racism, racial discrimination, xenophobia and related intolerance, to accord special attention to and provide information on the situation of migrant workers and members of their families in this regard;

"8. *Calls upon* all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

"9. *Commends* all States that have ratified or acceded to the international instruments to combat racism and racial discrimination, especially the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education;

"10. *Urges* all States that have not yet done so to become parties to the International Convention on the Elimination of All Forms of Racial Discrimination in order to achieve its universal ratification;

"11. *Also urges* States to limit the extent of any reservation that they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination, to formulate any reservation as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the objective and purpose of the Convention or otherwise incompatible with international treaty law, to review their reservations on a regular basis with a view to withdrawing them and to withdraw reservations that are contrary to the objective and purpose of the Convention or that are otherwise incompatible with international treaty law;

"12. *Emphasizes* the importance of the full compliance of States parties with the obligations that they have accepted under the International Convention on the Elimination of All Forms of Racial Discrimination;

"13. *Urges* all States parties to intensify efforts to meet the obligations that they have accepted under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, with due regard to the principles contained in the Universal Declaration of Human Rights and to article 5 of the Convention, with respect to:

"(a) Declaring an offence punishable by law any dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and the provision of any assistance to racist activities, including the financing thereof;

"(b) Declaring illegal and prohibited organizations and organized and all other propaganda activities that promote and incite racial discrimination, and recognizing participation in such organizations or activities as an offence punishable by law;

"(c) Not permitting public authorities or public institutions, whether national or local, to promote or incite racial discrimination;

"14. *Encourages* the mass media to promote ideas of tolerance and understanding among peoples and different cultures;

"15. *Requests* the Secretary-General to continue to draw attention to the effects of racial discrimination on minorities and migrant workers and members of their families, especially children and women, in the fields of education, training and employment and to submit in his report specific recommendations for the implementation of measures to combat such discrimination;

"16. *Recognizes* the need for adequate support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and requests the Secretary-General to include, in his report to the General Assembly at its fifty-seventh session, concrete proposals on how to ensure the financial and personnel resources required for the implementation

of the Programme of Action, including through the regular budget of the United Nations and extrabudgetary sources;

"17. *Expresses* its appreciation to those that have made contributions to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Fund and, to this end, requests the Secretary-General to continue to establish the appropriate contacts and undertake the appropriate initiatives;

"18. *Welcomes* the establishment of the racism project team in the Office of the United Nations High Commissioner for Human Rights with a view to coordinating all activities of the Third Decade;

"19. *Urges* all Governments, the Secretary-General, United Nations bodies, the specialized agencies, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action, to pay particular attention to the situation of indigenous people;

"20. *Requests* States to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

"21. *Strongly underlines* the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, in particular among young people, and in this regard requests the United Nations Educational, Scientific and Cultural Organization to continue its work on the preparation and dissemination of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

"22. *Considers* that, in order to attain the objectives of the Third Decade, all parts of the Programme of Action should be given equal attention;

"23. *Requests* the Secretary-General to accord high priority to the activities of the Programme of Action and, in this regard, to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 2002-2003;

"24. *Also requests* the Secretary-General to continue to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies to combat racism and racial discrimination, containing an analysis of information received on such activities;

"25. *Invites* the Secretary-General to submit to the General Assembly proposals which would assist in the full implementation of the Programme of Action;

"26. *Reiterates* its calls upon all Governments, United Nations bodies, the specialized agencies, intergovernmental and regional organizations and

interested non-governmental organizations to contribute fully to the effective implementation of the Programme of Action;

"II

"World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

"1. *Recalls* its resolutions 52/111 of 12 December 1997 and 53/132 of 9 December 1998, in which it established that the Commission on Human Rights would act as the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolution 54/154, and takes note of Commission on Human Rights resolution 2000/14 of 17 April 2000 and Economic and Social Council resolution 2000/21 of 28 July 2000;

"2. *Also welcomes* the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

"3. *Requests* the Commission on Human Rights to consider establishing a working group or other mechanism of the United Nations to study the problems of racial discrimination faced by people of African descent living in the African Diaspora and make proposals for the elimination of racial discrimination against people of African descent;

"4. *Encourages* financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies, to:

"(a) Assign particular priority and allocate sufficient funding, within their areas of competence and budgets, to improve the situation of victims of racism, racial discrimination, xenophobia and related intolerance in order to combat manifestations of racism, racial discrimination, xenophobia and related intolerance and to include them in the development and implementation of projects concerning them;

"(b) Integrate human rights principles and standards into their policies and programmes;

"(c) Consider including in their regular reporting to their boards of governors information on their contribution to promote the participation of victims of racism, racial discrimination, xenophobia and related intolerance within their programmes and activities, and information on the efforts taken to facilitate their participation and o ensure that those policies and practices contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance;

"(d) Examine how their policies and practices affect victims of racism, racial discrimination, xenophobia and related intolerance and ensure that those policies and practices contribue to the eradication of racism, racial discrimination, xenophobia and related intolerance;

"5. *Urges* financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies, to:

"(a) Assign particular priority, and allocate sufficient funding, within their areas of competence and budgets, to improving the situation of Africans and people of African descent, while devoting special attention to the needs of those populations in developing countries, inter alia through the preparation of specific programmes of action;

"(b) Carry out special projects, through appropriate channels and in collaboration with Africans and people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between those populations and experts in those areas;

"(c) Develop programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives;

"6. *Requests* States:

"(a) To develop and, where they already exist, support institutional mechanisms to promote the accomplishment of the objectives and measures relating to indigenous peoples agreed in the present plan of action;

"(b) To promote, in concert with indigenous organizations, local authorities and non-governmental organizations, actions aimed at overcoming racism, racial discrimination, xenophobia and related intolerance against indigenous peoples and to make regular assessments of the progress achieved in this regard;

"(c) To promote understanding in society at large of the importance of special measures to overcome disadvantages faced by indigenous peoples;

"(d) To consult indigenous representatives in the process of decision-making concerning policies and measures that directly affect them;

"7. *Urges* States to work to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination against specific sectors of society;

"8. *Also urges* States to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia, and related intolerance, including their gender-based manifestations, and to take all necessary constitutional, legislative and administrative measures to foster equality and to review existing measures with a view to amending or repealing national legislation and administrative provisions that may give rise to racial discrimination. Such plans, policies and measures should take into account priorities identified by individuals and groups who are victims of, or subject to racism, racial discrimination, xenophobia and related intolerance;

"9. *Urges further* all multilateral financial and development institutions, in particular the World Bank, the International Monetary Fund, the World Trade Organization and regional development banks, to promote, in accordance with their regular budgets and the procedures of their governing bodies, participation by all members of the international community in decision-making processes at all stages and levels in order to facilitate development projects and, as appropriate, trade and market access programmes;

"10. *Underlines* the key role that politicians and political parties can play in combating racism, racial discrimination, xenophobia and related intolerance and encourages political parties to take concrete steps to promote equality, solidarity and non-discrimination in society, inter alia, by developing voluntary codes of conduct, which include internal disciplinary measures for violations thereof, so their members refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance;

"11. *Urges* international financial and development institutions and the operational programmes and specialized agencies of the United Nations to give greater priority to, and allocate appropriate funding for programmes addressing the development challenges of the affected States and societies, in particular those on the African continent and in the Diaspora;

"III
"General

"*Decides* to keep the item entitled 'Elimination of racism and racial discrimination' on its agenda and to consider it as a matter of high priority at its fifty-seventh session."

7. At its 62nd meeting, on 26 February, the Committee had before it a revised draft resolution entitled "Third Decade to Combat Racism and Racial Discrimination" (A/C.3/56/L.83/Rev.1), submitted by the sponsors of draft resolution A/C.3/56/L.83 and Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Iceland, New Zealand, Norway and Turkey joined in sponsoring the revised draft resolution.

8. At the same meeting, the representative of Venezuela further orally revised the revised draft resolution, as follows:

(a) The sixth preambular paragraph, which read:

"*Welcoming* the fact that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held from 31 August to 8 September 2001 at Durban, South Africa, supported and strengthened the goals and objectives of the Programme of Action for the Third Decade and provided new ideas on practical measures to combat racism, racial discrimination, xenophobia and related intolerance",

was replaced by:

"*Welcoming* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held from 31 August to 8 September 2001 at Durban, South Africa, urged States and the international community to support the activities of the Third Decade to Combat Racism and Racial Discrimination";

(b) The seventh preambular paragraph, which read:

"*Welcoming also* the fact that the Declaration and Programme of Action adopted by the World Conference addressed a wider range of practical issues which could supplement the Programme of Action for the Third Decade",

was replaced by:

"*Recognizing* that the Declaration and Programme of Action adopted by the Conference addressed a wide range of practical issues which could complement the Programme of Action for the Third Decade";

(c) In operative paragraph 1, the word "*Welcomes*" was replaced by the words "*Takes note* of";

(d) In operative paragraph 2, the words "further appropriate" were inserted before the words "concrete proposals";

(e) In operative paragraph 5, the words "to work within his mandate" were inserted before the words "to ensure that the necessary financial resources are provided";

(f) Operative paragraph 7, which read:

"7. *Recognizes* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should show the path for the remainder of the Third Decade and that the success of both the Declaration and Programme of Action adopted by the World Conference and the Programme of Action for the Third Decade will require political will and adequate funding at the national, regional and international levels, and international cooperation",

was replaced by:

"7. *Recognizes* that the Programme of Action for the Third Decade will require political will, adequate funding and international cooperation".

9. At the same meeting, the Committee adopted revised draft resolution A/C.3/56/L.83/Rev.1, as further orally revised, without a vote (see para. 28, draft resolution I).

B. Draft resolution A/C.3/56/L.84 and Rev.1

10. At the 60th meeting, on 15 February, the representative of Venezuela, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Comprehensive implementation of the outcome of and follow-up to the World Conference against

Racism, Racial Discrimination, Xenophobia and Related Intolerance" (A/C.3/56/L.84), which read:

"*The General Assembly*,

"*Recalling* its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and all other resolutions on this matter,

"*Welcoming* the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001,

"*Convinced* that the World Conference made an important contribution to the cause of the eradication of racism, racial discrimination, xenophobia and related intolerance and that its results have to be fully implemented without delay through effective action,

"*Stressing* the need for maintaining the political will and momentum displayed during the Conference and its preparatory processes in order to translate the Durban commitments into concrete actions, at the national, regional and international levels,

"*Recalling* the importance of enhancing international cooperation to promote the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance for the implementation of the recommendations made in the Durban Declaration and Programme of Action,

"*Bearing in mind* the need for the General Assembly, the Economic and Social Council, the Commission on Human Rights and other relevant organs and bodies of the United Nations system, to consider ways and means for the full implementation, without delay, of the recommendations contained in the Durban Declaration and Programme of Action,

"*Emphasizing* that the lack of adequate funding is a serious impediment to the realization of these objectives,

"*Expressing* its gratitude to the Government and people of the Republic of South Africa for hosting the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, for the excellent arrangements, for the hospitality extended to all participants and its vital leadership during the whole process of the Conference,

"*Expressing also* its appreciation to the Secretary-General of the United Nations, the Secretary-General of the Conference and the members of the Secretariat for their endeavours in the preparation for and servicing of the Conference,

"*Appreciating* the active participation of civil society, including non-governmental organizations and youth, in the preparatory process and during the Conference, and encouraging its involvement in the implementation of and follow-up to the Durban Declaration and Programme of Action,

"1. *Takes note* of the reports on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the report submitted by the Secretary-General of the Conference in this regard;

"2. *Endorses* the Durban Declaration and Programme of Action, adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

"3. *Expresses* its satisfaction with the outcome of the Conference, which constitutes a solid foundation for further action and initiatives;

"4. *Reaffirms* the Conference's commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance;

"5. *Recognizes* that the implementation of the Durban Declaration and Programme of Action will require adequate resources and funding at the national, regional and international levels, including in the regular budget of the United Nations, and that additional financial resources are needed, in particular in Africa;

"6. *Requests* the Secretary-General, in collaboration with the Office of the High Commissioner for Human Rights, to ensure the distribution of the Durban Declaration and Programme of Action among the competent organs and bodies of the United Nations and the specialized agencies and as widely as possible and to include the text of the Declaration and the Programme of Action in the next edition of *Human Rights: A compilation of International Instruments*;

"7. *Calls upon* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the Conference and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust the activities, programmes and medium-term strategies to take into full account the follow-up to the Conference;

"8. *Requests* the Secretary-General, the Economic and Social Council, the Commission on Human Rights and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all recommendations of the Conference, and to reflect progress in this regard in their annual reports;

"9. *Also requests* all human rights treaty monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to take fully into account the Durban Declaration and Programme of Action in the discharge of their respective mandates;

"10. *Calls upon* all States to give widespread publicity to the Durban Declaration and Programme of Action, in order to increase, strengthen and enhance the fight against racism, racial discrimination, xenophobia and related intolerance;

"11. *Urges* States to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

"12. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance;

"13. *Supports* the decision by the United Nations High Commissioner for Human Rights to establish an anti-discrimination unit to combat racism, racial discrimination, xenophobia and related intolerance and to promote equality and non-discrimination and invites her Office to consider a victim-driven orientation and approach in its staffing and methods of work in follow-up to the Durban Declaration and Programme of Action;

"14. *Requests* the Secretary-General, in accordance with the Durban Declaration and Programme of Action, to appoint five independent eminent experts, one from each region, from among candidates proposed by the Chairman of the Commission on Human Rights, after consultation with the regional groups, to follow the implementation of the provisions of the Declaration and Programme of Action;

"15. *Also requests* the High Commissioner for Human Rights to cooperate with those five independent eminent experts and to report annually to the General Assembly and the Commission on Human Rights, on the implementation of the provisions of the Durban Declaration and Programme of Action, taking into account information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Commission on Human Rights of the United Nations, international, regional and non-governmental organizations and national human rights institutions;

"16. *Recognizes* the critical importance of placing the outcome of the Durban Conference on an equal footing with previous United Nations world conferences that have addressed essential social and human rights issues, such as the outcomes of the World Conference on Human Rights, held in Vienna in 1993, the World Summit for Social Development, held in Copenhagen in 1995, and the Fourth World Conference on Women held in Beijing in 1995, all of which had five-year reviews;

"17. *Decides* to hold a special session of the General Assembly in the year 2006 for an overall review and appraisal of the implementation of the outcome of the Conference and to consider further actions and initiatives;

"18. *Decides also* to include in the agenda of its forthcoming sessions, under the item entitled 'Elimination of racism and racial discrimination', a sub-item entitled 'Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action'."

11. At its 61st meeting, on 26 February, the Committee had before it a revised draft resolution entitled "Comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance" (A/C.3/56/L.84/Rev.1), submitted by the sponsors of draft resolution A/C.3/56/L.84 and Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Subsequently, the Czech Republic, Iceland, Liechtenstein, Norway, the Republic of Korea, the Russian Federation, the former Yugoslav Republic of Macedonia and Turkey joined in sponsoring the revised draft resolution.

12. At the same meeting, the representative of Venezuela further orally revised the revised draft resolution, as follows:

(a) The eighth preambular paragraph, which read:

"*Emphasizing* that adequate resources at the national, regional and international levels are necessary to implement the Durban Declaration and Programme of Action and constitute an important element in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly in Africa",

was replaced by:

"*Emphasizing* that, in the implementation of commitments undertaken under the Durban Declaration and Programme of Action, adequate resources at the national, regional and international levels are necessary and constitute an important element in the fight against racism, racial discrimination, xenophobia and related intolerance";

(b) In operative paragraph 6, the words "*Calls upon*" were replaced by the word "*Invites*";

(c) Operative paragraph 15, which read:

"15. *Recognizes* the need to ensure an adequate level of resources in order for the Office of the United Nations High Commissioner for Human Rights to carry out efficiently its responsibilities in the implementation of the Durban Declaration and Programme of Action",

was deleted and the remaining paragraphs were renumbered accordingly;

(d) Operative paragraph 16 (former paragraph 17), which read:

"17. *Further recognizes* that a review and appraisal will be critical for effective follow-up to the World Conference in a modality to be decided by the General Assembly not later than its fifty-ninth session",

was replaced by:

"16. *Further recognizes* that review and appraisal will be critical for effective follow-up to the Conference, and decides to consider the progress made in this regard and to consider, overall, the modalities of the review and appraisal at its fifty-ninth session".

13. At the same meeting, the Committee had before it a statement of the programme budget implications of revised draft resolution A/C.3/56/L.84/Rev.1, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/56/L.87).

14. Also at its 61st meeting, the Committee adopted revised draft resolution A/C.3/56/L.84/Rev.1, as further orally revised, by a recorded vote of 137 to 2, with 2 abstentions (see para. 28, draft resolution II). The voting was as follows:

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Austria, Azerbaijan, Bahamas, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Chile, China, Colombia, Comoros, Congo,

Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada.

15. A statement in explanation of vote was made before the vote by the representative of Israel (see A/C.3/56/SR.61).

16. At the 62nd meeting, on 26 February, statements in explanation of vote after the vote were made by the representatives of the United States of America, Canada, Spain (on behalf of the States Members of the United Nations that are members of the European Union) and Australia (see A/C.3/56/SR.62).

17. At the same meeting, a statement was made by the representative of Venezuela, on behalf of the States Members of the United Nations that are members of the Group of 77 and China (see A/C.3/56/SR.62).

C. Draft resolution A/C.3/56/L.85 and Rev.1

18. At the 60th meeting, on 15 February, the representative of Venezuela, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance" (A/C.3/56/L.85), which read:

"*The General Assembly*,

"*Recalling* its resolution 55/83 of 4 December 2001, and taking note of Commission on Human Rights resolution 2001/5 of 18 April 2001,

"*Welcoming* the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001 in Durban, South Africa,

"*Stressing* that the Durban Declaration and Programme of Action provides a solid basis for combating the contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance,

"*Stressing* that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 attaches importance to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

"*Dedicating ourselves* to combating the scourge of racism, racial discrimination, xenophobia and related intolerance fully and effectively as a matter of priority, while drawing lessons from manifestations and past experiences of racism in all parts of the world with a view to avoiding their recurrence,

"*Joining together* in a spirit of renewed political will and commitment to universal equality, justice and dignity,

"*Convinced* that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

"*Having examined* the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including its conclusions and recommendations,

"*Deeply concerned* that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

"*Particularly alarmed* at the increase in racist violence in many parts of the world, inter alia, as a result of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, as reflected in the report of the Special Rapporteur, and at the persisting use of those platforms and charters to promote or incite racist ideologies,

"*Emphasizing* that remembering the crimes and wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity,

"*Deeply concerned* that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

"*Noting* that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

"*Conscious* of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible in segments of many societies and are

perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

"*Reaffirming*, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups,

"*Recognizing* both the challenges and the opportunities in combating racism, racial discrimination, xenophobia and related intolerance in an increasingly globalized world,

"*Noting with concern* that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

"*Deeply concerned* that racism and racial discrimination against migrant workers continue to increase despite the efforts undertaken by the international community to protect the human rights of migrant workers and members of their families,

"*Noting* that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention,

"*Noting also* that the reports that the States parties submit under the Convention contain, inter alia, information about the causes of, as well as measures to combat, contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

"*Noting with concern* the existence of multiple discrimination, in particular against women,

"*Particularly alarmed* at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

"*Noting with appreciation* that the Special Rapporteur will continue to pay attention to the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

"*Underlining* the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

"*Recognizing* that failure to combat racial discrimination and xenophobia, especially by public authorities and politicians, is a factor encouraging their perpetuation in society,

"*Emphasizing* the importance of creating conditions that foster greater harmony and tolerance within societies,

"1. *Reaffirms* the proclamation of 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

"2. *Calls upon* the relevant United Nations bodies, Member States and intergovernmental organizations, regional organizations and non-governmental organizations to continue carrying out, promoting and disseminating activities and action within the framework of the commemorative year in order to strengthen its impact and ensure its success, in particular the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

"3. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, encourages its continuation, and takes note with appreciation of the report of the Special Rapporteur;

"4. *Requests* the Special Rapporteur to continue his exchange of views with Member States, United Nations organs and the specialized agencies, other relevant mechanisms and non-governmental organizations in order to further their effectiveness and mutual cooperation;

"5. *Commends* the Committee on the Elimination of Racial Discrimination for its role in the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, which contributes to the fight against contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

"6. *Invites* States to consider non-discriminatory measures to provide a safe and healthy environment for individuals and members of groups victims of or subject to racism, racial discrimination, xenophobia and related intolerance, in particular:

"(a) To improve access to public information on health and environment issues;

"(b) To ensure that relevant concerns are taken into account in the public process of decision-making on the environment;

"(c) To share technology and successful practices to improve human health and environment in all areas;

"(d) To take appropriate remedial measures, as possible to clean, re-use and redevelop contaminated sites and, where appropriate, relocate those affected on a voluntary basis after consultations;

"6bis. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred;

"7. *Welcomes* the recommendation of the Special Rapporteur on the need to hold international consultations at the governmental level with a view to combating the misuse of the Internet for racist purposes, and stresses the importance of international law enforcement cooperation in this area.

"8. *Reaffirms* that acts of violence against others stemming from racism do not constitute expressions of opinion but rather offences;

"8bis. *Calls upon* States to consider the following, taking fully into account existing international and regional standards on freedom of expression, while taking all necessary measures to guarantee the right to freedom of opinion and expression:

"(a) To encourage Internet service providers to establish and disseminate specific voluntary codes of conduct and self-regulatory measures against the dissemination of racist messages and those that result in racial discrimination, xenophobia or any form of intolerance and discrimination; to that end, Internet providers are encouraged to set up mediating bodies at national and international levels, involving relevant civil society institutions;

"(b) To adopt and apply, to the extent possible, appropriate legislation for prosecuting those responsible for incitement to racial hatred or violence on the new information and communications technologies, including the Internet;

"(c) To address the problem of dissemination of racist material through the new information and communications technologies, including the Internet, inter alia by imparting training to law enforcement authorities;

"(d) To denounce and actively discourage the transmission of racist and xenophobic messages through all communications media, including new information and communications technologies, such as the Internet;

"(e) To consider a prompt and coordinated international response to the rapidly evolving phenomenon of the dissemination of hate speech and racist material on new information and communications technologies, including the Internet; and in this context to strengthen international cooperation;

"(f) To encourage access and use by all people of the Internet as an international and equal forum, aware that there are disparities in use of and access to the Internet;

"(g) To examine ways in which the positive contribution made by the new information and communications technologies, such as the Internet, can be enhanced through replication of good practices in combating racism, racial discrimination, xenophobia and related intolerance;

"(h) To encourage the reflection of the diversity of societies among the personnel of media organizations and the new information and communications technologies, such as the Internet, by promoting adequate representation of different segments within societies at all levels of their organizational structure;

"9. *Declares* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

"9bis. *Calls upon* States to criminalize all forms of trafficking in persons, in particular women and children and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights;

"10. *Expresses its profound concern* about and unequivocal condemnation of all forms of racism, racial discrimination, xenophobia and related intolerance, in particular all racist violence, including related acts of random and indiscriminate violence;

"10bis. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance, and reaffirms that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations among peoples, cooperation among nations and international peace and security;

"11. *Also expresses its profound concern* about and unequivocal condemnation of all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons that attempt to justify or promote racism and racial discrimination in any form;

"11bis. *Expresses its concern* that, beyond the fact that racism is gaining ground, contemporary forms and manifestations of racism and xenophobia are striving to regain political, moral and even legal recognition in many ways, including through the platforms of some political parties and organizations and the dissemination through modern communication technologies of ideas based on the notion of racial superiority;

"11ter. *Notes* that article 4 (b) of the International Convention on the Elimination of All Forms of Racial Discrimination places an obligation upon States to be vigilant and to proceed against organizations that disseminate ideas based on racial superiority or hatred, acts of violence or incitement to such acts; those organizations shall be condemned and discouraged;

"12. *Further expresses its profound concern* about and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against, and stereotyping of, migrant workers and members of their families, persons belonging to minorities and members of vulnerable groups in many societies;

"12bis. *Urges* States to design, implement and enforce effective measures to eliminate the phenomenon popularly known as 'racial profiling' and comprising the practice of police and other law enforcement officers relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity;

"13. *Notes with great concern* that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and other related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase in many parts of the world, and that the number of associations established on the basis of racist and xenophobic charters is increasing, as reflected in the report of the Special Rapporteur;

"13bis. *Recognizes* that members of certain groups with a distinct cultural identity face barriers arising from complex interplay of ethnic, religious and other factors, as well as their traditions and customs, and calls upon States to ensure that measures, policies and programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance address the barriers that this interplay of factors creates;

"14. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

"15. *Recognizes* that the increasing gravity of different manifestations of racism, racial discrimination and xenophobia in various parts of the world requires a more integrated and effective approach on the part of the relevant mechanisms of United Nations human rights machinery;

"16. *Encourages* Governments to take appropriate measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

"16bis. *Underscores* the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance, including through more effective access to the political, judicial and administrative institutions, as well as to guarantee that the benefits of development, science and technology contribute effectively to the improvement of the quality of life for all, without discrimination;

"16ter. *Urges* States to adopt the necessary measures, as provided by national law, to ensure the right of victims to seek just and adequate reparation and satisfaction to address acts of racism, racial discrimination, xenophobia and related intolerance, and to design effective measures to prevent the repetition of such acts;

"17. *Calls upon* all States to review and, where necessary, revise their immigration policies with a view to eliminating all discriminatory policies and practices against migrants that are inconsistent with relevant international human rights instruments;

"18. *Recognizes* that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

"19. *Calls upon* all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to continue to supply relevant information to the Special Rapporteur to enable him to fulfil his mandate;

"20. *Commends* non-governmental organizations for the action that they have taken against racism and racial discrimination and for the continuous support and assistance that they have provided to the victims of racism and racial discrimination;

"21. *Urges* all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate, including the examination of incidents of contemporary forms of racism and racial discrimination, xenophobia and related intolerance inter alia, against Africans and people of African descent, Arabs, Muslims and Jews;

"22. *Requests* the Secretary-General to provide the Special Rapporteur with all of the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-sixth session;

"23. *Requests* the Secretary-General to transmit the present resolution to all Member States, relevant organs and bodies of the United Nations and its specialized agencies and to seek their views on the measures taken in its implementation and to report thereon at the fifty-seventh session of the General Assembly;

"24. *Decides* to consider progress in implementation of the present resolution at its fifty-seventh session under the same agenda item."

19. At its 62nd meeting, on 26 February, the Committee had before it a revised draft resolution entitled "Measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance" (A/C.3/56/L.85/Rev.1), submitted by the sponsors of draft resolution A/C.3/56/L.85. Subsequently, Belarus, Iceland, Norway and Liechtenstein joined in sponsoring the revised draft resolution.

20. At the same meeting, the representative of Venezuela, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, orally revised the draft resolution as follows:

(a) The second and third preambular paragraphs, which read:

"*Welcoming* the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001 in Durban, South Africa,

"*Stressing* that the Durban Declaration and Programme of Action provides a solid basis for combating the contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance",

were replaced by one paragraph, reading:

"*Recognizing* that the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance addressed a wide range of practical issues, including measures to combat contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance";

(b) In operative paragraph 2, the words "*Requests* the Special Rapporteur" were replaced by the words "*Invites* the Special Rapporteur";

(c) Operative paragraph 10, which read:

"10. *Declares* that racism and racial discrimination continue to be serious violations of and obstacles to the full enjoyment of all human rights and must be prevented and combated by all available means",

was replaced by:

"10. *Affirms* that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights";

(d) In operative paragraph 16, the words:

"and reaffirms that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations among peoples, cooperation among nations and international peace and security"

were deleted from the end of the paragraph;

(e) A new operative paragraph was inserted after operative paragraph 16, reading:

"17. *Declares* that all human beings are born free, equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and must be rejected together with theories which attempt to determine the existence of separate human races",

and the remaining paragraphs were renumbered accordingly;

(f) In operative paragraph 17 (now 18), the words "doctrines of superiority of one race or group of persons" were replaced by the words "doctrines of racial superiority", and the words "which are incompatible with democracy and transparent and accountable governance" were deleted from the end of the paragraph;

(g) Operative paragraphs 18 and 19, which read:

"18. *Expresses its concern* that, beyond the fact that racism is gaining ground, contemporary forms and manifestations of racism and xenophobia are striving to regain political, moral and even legal recognition in many ways, inter alia, through the platforms of some political parties and organizations and the dissemination through modern communication technologies of ideas based on the notion of racial superiority;

"19. *Notes* that article 4 (b) of the International Convention on the Elimination of All Forms of Racial Discrimination places an obligation upon States to be vigilant and to proceed against organizations that disseminate ideas based on racial superiority or hatred, acts of violence or incitement to such acts, which organizations shall be condemned and discouraged",

were deleted and the remaining paragraphs renumbered accordingly;

(h) After operative paragraph 23 (now 22), two new operative paragraphs were inserted, reading:

"23. *Calls upon* States to take all necessary measures to overcome the persistent racism, racial discrimination, xenophobia and related intolerance on the basis of indigenous origin or identity;

"24. *Expresses deep concern* at the ongoing manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against Roma/Gypsies/Sinti/Travellers, and urges States to develop effective policies and implementation mechanisms for their full achievement of equality";

(i) In operative paragraph 34 (now 35), the words "inter alia, against Africans and people of African descent, xenophobia, Negrophobia, Islamophobia/anti-Muslim, anti-Semitism and related intolerance" were added at the end of the paragraph.

21. Also at its 62nd meeting, the Committee adopted revised draft resolution A/C.3/56/L.85/Rev.1, as further orally revised, without a vote (see para. 28, draft resolution III).

22. After the adoption of the revised draft resolution, a statement was made by the representative of the Syrian Arab Republic (see A/C.3/56/SR.62).

D. Draft resolution A/C.3/56/L.86 and Rev.1

23. At the 60th meeting, on 15 February, the representative of Belarus, on behalf of Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation, introduced a draft resolution entitled "Measures to be taken against political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism" (A/C.3/56/L.86), which read:

"*The General Assembly*,

"*Recalling* that the United Nations emerged from the struggle against Nazism, fascism, aggression and foreign occupation, and that the people expressed their resolve in the Charter of the United Nations to save succeeding generations from the scourge of war,

"*Aware* of the determination proclaimed by the peoples of the world in the Charter to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

"*Convinced* that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

"*Welcoming* the fact that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 7 September 2001, condemned political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance,

"*Noting with regret* that, in the contemporary world, there continue to exist various manifestations of neo-Nazi activities, as well as other political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in the civil, political, economic and social and cultural spheres and in social justice,

"*Stating* that those phenomena can never be justified in any instance or in any circumstances,

"*Deeply alarmed* at the continued intensification of activities of neo-Nazi groups and organizations,

"*Noting with concern* the widening use by such groups and organizations of the opportunities provided by scientific and technological progress, including the Internet global computer network, to promote racist and xenophobic propaganda aimed at inciting racial hatred and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world,

"*Noting* that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

"*Expressing serious concern* at the rise in many parts of the world of doctrines based on racial discrimination or ethnic exclusiveness and at the growing coordination of activities based on such doctrines in society at large,

"*Noting with appreciation* the efforts undertaken by various regional organizations against political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism,

"*Recalling* its resolutions 2331 (XXII) of 18 December 1967, 2545 (XXIV) of 11 December 1969, 35/200 of 15 December 1980, 36/162 of 16 December 1981, 37/179 of 17 December 1982, 38/99 of 16 December 1983, 39/114 of 14 December 1984, 41/160 of 4 December 1986, 43/150 of 8 December 1988 and, in particular, its resolution 55/82 of 4 December 2000,

"*Recalling also* Commission on Human Rights resolutions 1983/28 of 7 March 1983, 1984/42 of 12 March 1984, 1985/31 of 13 March 1985, 1986/61 of 13 March 1986, 1988/63 of 10 March 1988, 1990/46 of 6 March 1990, 2001/5 of 18 April 2001 and 2001/43 of 23 April 2001,

"*Taking into consideration* the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the Commission on Human Rights,

"1. *Again resolutely condemns* political platforms and activities based on doctrines of superiority, which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism, which entail abuse of human rights and fundamental freedoms;

"2. *Expresses its determination* to resist such political platforms and activities which can undermine the enjoyment of human rights and fundamental freedoms and of equality of opportunity;

"3. *Urges* States to take all available measures in accordance with their obligations under international human rights instruments to combat political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism;

"4. *Calls upon* all Governments to promote and encourage, especially among young people, respect for human rights and fundamental freedoms, as well as to promote awareness of and oppose political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism;

"5. *Urges* all States to consider the adoption, as a matter of high priority, of appropriate measures to eradicate activities that lead to violence and condemn any dissemination of ideas based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism, consistent with their national legal systems and in accordance with the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination;

"6. *Expresses support* for the activities of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and calls upon all States to cooperate with him;

"7. *Requests* the Secretary-General to include, in his report to the General Assembly at its fifty-seventh session under the item entitled 'Elimination of racism and racial discrimination', information on the measures taken by Member States against political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism."

24. At its 62nd meeting, on 26 February, the Committee had before it a revised draft resolution entitled "Measures to be taken against political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism" (A/C.3/56/L.86/Rev.1), submitted by the sponsors of draft resolution A/C.3/56/L.86 and Cuba.

25. At the same meeting, the representative of Belarus further orally revised the revised draft resolution as follows:

(a) Operative paragraph 1, which read:

"1. *Again resolutely condemns* political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism, which entail abuse of human rights and fundamental freedoms",

was replaced by:

"1. *Remains convinced* that political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-

Nazism, must be condemned as incompatible with democracy and accountable governance";

(b) Operative paragraph 7, which read:

"7. *Requests* the Secretary-General to include, in his report to the General Assembly at its fifty-seventh session under the item entitled 'Elimination of racism and racial discrimination' information on the measures taken by Member States against political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism",

was replaced by:

"7. *Requests* the Secretary-General to bring the present resolution to the attention of the Member States and relevant human rights bodies and mechanisms of the United Nations system".

26. At the same meeting, the Committee adopted revised draft resolution A/C.3/56/L.86/Rev.1, as further orally revised, without a vote (see para. 28, draft resolution IV).

E. Draft decision proposed by the Chairman

27. At its 62nd meeting, on 26 February, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the Committee on the Elimination of Racial Discrimination on the work of its fifty-eighth and fifty-ninth sessions (A/56/18 and Corr.1) (see para. 29).

III. Recommendations of the Third Committee

28. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Third Decade to Combat Racism and Racial Discrimination

The General Assembly,

Recalling its resolution 55/84 of 4 December 2000,

Reaffirming that racism, racial discrimination, xenophobia and related intolerance constitute a negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[3]

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism, racial discrimination, xenophobia and related intolerance,

Recalling with satisfaction the proclamation, in resolution 48/91 of 20 December 1993, of the Third Decade to Combat Racism and Racial Discrimination,

[3] Resolution 217 A (III).

which began in 1993, and the adoption, in resolution 49/146 of 23 December 1994, of the revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the three Decades have not been attained and that countless human beings continue to the present day to be victims of racism, racial discrimination, xenophobia and related intolerance,

Welcoming that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held from 31 August to 8 September 2001 at Durban, South Africa, urged States and the international community to support the activities of the Third Decade to Combat Racism and Racial Discrimination,

Recognizing that the Declaration and Programme of Action adopted by the Conference[4] addressed a wide range of practical issues which could complement the Programme of Action for the Third Decade,

Having considered the report submitted by the Secretary-General within the framework of the implementation of the Programme of Action for the Third Decade,[5]

1. *Takes note* of the report submitted by the Secretary-General;[5]

2. *Recognizes* the need for adequate support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and requests the Secretary-General to include in his report to the General Assembly at its fifty-seventh session further appropriate concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action, inter alia, through the regular budget of the United Nations and extrabudgetary sources;

3. *Expresses its appreciation* to those that have made contributions to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Fund, and to this end requests the Secretary-General to continue to establish the appropriate contacts and undertake the appropriate initiatives;

4. *Considers* that, in order to attain the objectives of the Third Decade, all parts of its Programme of Action should be given equal attention;

5. *Requests* the Secretary-General to accord high priority to the activities of the Programme of Action for the Third Decade and, in this regard, to work within his mandate to ensure that the necessary financial resources are provided for the implementation of such activities during the remainder of the Decade;

6. *Reiterates its calls* upon all Governments, United Nations bodies, the specialized agencies, intergovernmental and regional organizations and interested non-governmental organizations to contribute fully to the effective implementation of the Programme of Action for the Third Decade;

[4] See A/CONF.189/12, chap. I.

[5] A/56/481.

7. *Recognizes* that the Programme of Action for the Third Decade will require political will, adequate funding and international cooperation;

8. *Requests* the Secretary-General to submit, through the Economic and Social Council, a report on the implementation of the Programme of Action for the Third Decade to the General Assembly at its fifty-seventh session;

9. *Decides* to continue the consideration of this matter at its fifty-seventh session under the item entitled "Elimination of racism and racial discrimination".

Draft resolution II
Comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and all other resolutions on this matter,

Reaffirming its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance,

Welcoming the adoption by the Conference, held at Durban from 31 August to 8 September 2001, of the Durban Declaration and Programme of Action,[6]

Convinced that the Conference made an important contribution to the cause of the eradication of racism, racial discrimination, xenophobia and related intolerance and that its results have to be fully implemented without delay through effective action,

Stressing the need for maintaining continued political will and momentum, at the national, regional and international levels, in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments undertaken under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

Reaffirming the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance,

Bearing in mind the need for the General Assembly, the Economic and Social Council, the Commission on Human Rights and other relevant organs and bodies of the United Nations system to continue to combat racism, racial discrimination, xenophobia and related intolerance, taking into account the relevant recommendations contained in the Durban Declaration and Programme of Action, and as reflected in the report of the Conference,[7]

[6] See A/CONF.189/12, chap. I.

[7] A/CONF.189/12.

Emphasizing that, in the implementation of commitments undertaken under the Durban Declaration and Programme of Action, adequate resources at the national, regional and international levels are necessary and constitute an important element in the fight against racism, racial discrimination, xenophobia and related intolerance,

Expressing its gratitude to the Government and people of South Africa for hosting the Conference, for the excellent arrangements, for the hospitality extended to all participants and for its vital leadership during the whole process of the Conference,

Expressing its appreciation to the Secretary-General of the United Nations, the Secretary-General of the Conference and the members of the Secretariat for their endeavours in the preparation for and servicing of the Conference,

Appreciating the active participation of civil society, including non-governmental organizations and youth, in the preparatory process and the Conference, and encouraging its involvement at the national, regional and international levels in the continuing fight against racism, racial discrimination, xenophobia and related intolerance,

Recognizing that, in the implementation of commitments undertaken under the Durban Declaration and Programme of Action, the formulation and implementation of strategies, policies, programmes and actions should be carried out efficiently and promptly by States with the full involvement of civil society, including non-governmental organizations,

Appreciating the input and participation of national human rights institutions in the preparatory process and the Conference, and encouraging their active involvement in the fight against racism, racial discrimination, xenophobia and related intolerance, taking into consideration recommendations contained in the Durban Declaration and Programme of Action,

1. *Takes note* of the report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;[7]

2. *Endorses* the Durban Declaration and Programme of Action, adopted on 8 September 2001 by the Conference;[6]

3. *Expresses its satisfaction* with the outcome of the Conference, which constitutes a solid foundation for further action and initiatives;

4. *Recognizes* that the success of the Programme of Action will require political will and adequate funding at the national, regional and international levels, and international cooperation;

5. *Requests* the Secretary-General, in collaboration with the Office of the United Nations High Commissioner for Human Rights, to ensure that the Durban Declaration and Programme of Action is made available among the competent organs and bodies of the United Nations and the specialized agencies as widely as possible in all the official languages of the United Nations;

6. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the Conference and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to take into account the follow-up to the Conference;

7. *Requests* the Secretary-General, the Economic and Social Council, the Commission on Human Rights and other relevant organs and bodies of the United Nations system related to human rights to continue the fight against racism, racial discrimination, xenophobia and related intolerance, taking into account the relevant recommendations contained in the Durban Declaration and Programme of Action, and to reflect progress in this regard in their reports, as appropriate;

8. *Invites* all human rights treaty monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the relevant provisions of the Durban Declaration and Programme of Action, in the discharge of their respective mandates;

9. *Invites* States to give widespread publicity to the Durban Declaration and Programme of Action;

10. *Urges* States to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

11. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

12. *Supports* the decision by the United Nations High Commissioner for Human Rights to establish an anti-discrimination unit to combat racism, racial discrimination, xenophobia and related intolerance and to promote equality and non-discrimination;

13. *Requests* the Secretary-General, in accordance with the Durban Declaration and Programme of Action, to appoint five independent eminent experts, one from each region, from among candidates proposed by the Chairman of the Commission on Human Rights, after consultation with the regional groups, to follow the implementation of the provisions of the Declaration and Programme of Action;

14. *Requests* the United Nations High Commissioner for Human Rights, in follow-up to the Conference, to cooperate with these five independent eminent experts, and to report annually to the General Assembly and the Commission on Human Rights, taking into account information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Commission, international, regional and non-governmental organizations and national human rights institutions;

15. *Recognizes* the critical importance of placing the outcome of the Conference on an equal footing with the previous United Nations world conferences in the human rights and social fields;

16. *Further recognizes* that review and appraisal will be critical for effective follow-up to the Conference, and decides to consider the progress made in this regard and to consider, overall, the modalities of the review and appraisal at its fifty-ninth session;

17. *Decides* to include in the agenda of its forthcoming sessions, under the item entitled "Elimination of racism and racial discrimination", a sub-item entitled

"Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

Draft resolution III
Measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance

The General Assembly,

Recalling its resolution 55/83 of 4 December 2000, and taking note of Commission on Human Rights resolution 2001/5 of 18 April 2001,[8]

Recognizing that the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance[9] addressed a wide range of practical issues, including measures to combat contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance,

Stressing that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[10] attaches importance to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Reaffirming the spirit of renewed political will and commitment to combat the scourge of racism, racial discrimination, xenophobia and related intolerance, from which no country is free,

Convinced that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious; ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the increase in racist violence in many parts of the world, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Emphasizing that remembering the crimes and wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity,

Deeply concerned that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

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[8] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[9] See A/CONF.189/12, chap. I.

[10] A/CONF.157/24 (Part I), chap. III.

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance that are increasingly visible in segments of many societies and are perpetrated by individuals or groups, some of which manifestations are directed against migrant workers and members of their families,

Reaffirming the responsibility of Governments for safeguarding and protecting the rights of individuals within their jurisdiction against crimes perpetrated by racist or xenophobic individuals or groups,

Recognizing both the challenges and the opportunities in combating racism, racial discrimination, xenophobia and related intolerance in an increasingly globalized world,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Deeply concerned that racism and racial discrimination against migrant workers still persist despite the efforts undertaken by the international community to protect the human rights of migrant workers and members of their families,

Noting that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993[11] concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[12] holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights[13] and in article 5 of the Convention,

Affirming that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world,

Noting that the reports that the States parties submit under the Convention contain, inter alia, information about the causes of, as well as measures to combat, contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Noting with concern the existence of multiple discrimination, in particular against women,

Underlining the importance of urgently eliminating continuing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening

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[11] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

[12] Resolution 2106 A (XX), annex.

[13] Resolution 217 A (III).

the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Recognizing that failure to combat racial discrimination and xenophobia, especially by public authorities and politicians, is a factor encouraging their perpetuation in society,

Emphasizing the importance of creating conditions that foster greater harmony and tolerance within societies,

1. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and encourages its continuation;

2. *Invites* the Special Rapporteur to continue his exchange of views with Member States, United Nations organs and the specialized agencies, other relevant mechanisms and non-governmental organizations in order to further their effectiveness and mutual cooperation;

3. *Commends* the Committee on the Elimination of Racial Discrimination for its role in the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[12] which contributes to the fight against contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

4. *Urges* States that have not yet done so to consider ratifying or acceding to the international human rights instruments that combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency, with a view to achieving universal ratification by the year 2005, and to consider making the declaration envisaged under article 14 thereof, to comply with their reporting obligations, and to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination; and also urges States to withdraw reservations contrary to the object and purpose of that Convention and to consider withdrawing other reservations;

5. *Urges* States to adopt and implement, or strengthen, national legislation and administrative measures that expressly and specifically counter racism and prohibit racial discrimination, xenophobia and related intolerance whether direct or indirect, in all spheres of public life, in accordance with their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, ensuring that their reservations are not contrary to the object and purpose of the Convention;

6. *Also urges* States to establish, on the basis of statistical information, national programmes, which may include affirmative or positive measures, to promote access of individuals and groups of individuals who are or may be victims of racial discrimination to basic social services, including primary education, basic health care and adequate housing;

7. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred; and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments they have undertaken under the

Durban Declaration and Programme of Action," in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards on freedom of expression, and taking all necessary measures to guarantee the right to freedom of opinion and expression;

8. *Welcomes* international consultations at the governmental level with a view to combating the misuse of the Internet for racist purposes, and stresses the importance of international law enforcement cooperation in this area;

9. *Reaffirms* that acts of violence against others stemming from racism do not constitute expressions of opinion but rather offences;

10. *Affirms* that racism and racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights;

11. *Calls upon* States to criminalize all forms of trafficking in persons, in particular women and children, and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights;

12. *Urges* States to enact and implement, as appropriate, laws against trafficking in persons, especially women and children, and smuggling of migrants, taking into account practices that endanger human lives or lead to various kinds of servitude and exploitation, such as debt bondage, slavery, sexual exploitation and labour exploitation; and encourages States to create, if they do not already exist, mechanisms to combat such practices and to allocate adequate resources to ensure law enforcement and the protection of the rights of victims, and to reinforce bilateral, regional and international cooperation, inter alia, with non-governmental organizations that assist victims, to combat the trafficking in persons and smuggling of migrants;

13. *Also urges* States to take all necessary measures to address specifically, through policies and programmes, racism and racially motivated violence against women and girls and to increase cooperation, policy responses and effective implementation of national legislation and of their obligations under relevant international instruments, and to take other protective and preventive measures aimed at the elimination of all forms of racially motivated discrimination and violence against women and girls;

14. *Further urges* States to mainstream a gender perspective in the design and development of measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

15. *Expresses its profound concern* about and unequivocal condemnation of all forms of racism, racial discrimination, xenophobia and related intolerance, in particular all racist violence, including related acts of random and indiscriminate violence;

16. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and

related intolerance as incompatible with democracy and transparent and accountable governance;

17. *Declares* that all human beings are born free, equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and must be rejected together with theories which attempt to determine the existence of separate human races;

18. *Expresses its profound concern* about and unequivocal condemnation of all forms of racism, racial discrimination, xenophobia and related intolerance including propaganda, activities, organizations and political platforms based on doctrines of racial superiority that attempt to justify or promote racism and racial discrimination in any form;

19. *Expresses its profound concern* about and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against, and stereotyping of, migrant workers and members of their families, persons belonging to minorities and members of vulnerable groups in many societies;

20. *Urges* States, including the law enforcement agencies, to design and fully implement effective policies and programmes to prevent, detect and ensure accountability for misconduct by police officers and other law enforcement personnel that is motivated by racism, racial discrimination, xenophobia and related intolerance, and to prosecute perpetrators of such misconduct;

21. *Also urges* States to design, implement and enforce effective measures to eliminate the phenomenon popularly known as "racial profiling", consisting in the practice by police and other law enforcement officers of relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity;

22. *Recognizes* that members of certain groups with a distinct cultural identity face barriers arising from a complex interplay of ethnic, religious and other factors, as well as their traditions and customs, and calls upon States to ensure that measures, policies and programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance address the barriers that this interplay of factors creates;

23. *Calls upon* States to take all necessary measures to overcome the persistent racism, racial discrimination, xenophobia and related intolerance on the basis of indigenous origin or identity;

24. *Expresses deep concern* at the ongoing manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against Roma/Gypsies/Sinti/Travellers, and urges States to develop effective policies and implementation mechanisms for their full achievement of equality;

25. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

26. *Recognizes* that different manifestations of racism, racial discrimination and xenophobia in various parts of the world require a more integrated and effective approach on the part of the relevant mechanisms of United Nations human rights machinery;

27. *Encourages* Governments to take appropriate measures to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance;

28. *Underlines* the need to design, promote and implement, at the national, regional and international levels, strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance, inter alia, through more effective access to the political, judicial and administrative institutions, and also underlines the need to promote effective access to justice, as well as to guarantee that the benefits of development, science and technology contribute effectively to the improvement of the quality of life for all, without discrimination;

29. *Urges* States to adopt the necessary measures, as provided by national law, to ensure the right of victims to seek just and adequate reparation and satisfaction to redress acts of racism, racial discrimination, xenophobia and related intolerance, and to design effective measures to prevent the repetition of such acts;

30. *Also urges* States to review and revise, where necessary, their immigration laws, policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments;

31. *Calls upon* all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to continue to supply relevant information to the Special Rapporteur to enable him to fulfil his mandate;

32. *Recognizes* the importance of independent national human rights institutions conforming to the principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134 of 20 December 1993, and other relevant specialized institutions created by law for the promotion and protection of human rights, including ombudsman institutions, in the struggle against racism, racial discrimination, xenophobia and related intolerance, as well as for the promotion of democratic values and the rule of law; and encourages States, as appropriate, to establish such institutions and call upon the authorities and society in general in those countries where they are performing their tasks of promotion, protection and prevention to cooperate to the maximum extent possible with those institutions, while respecting their independence;

33. *Strongly condemns* the fact that slavery and slavery-like practices still exist today in parts of the world and urges States to take immediate measures as a matter of priority to end such practices, which constitute flagrant violations of human rights;

34. *Commends* non-governmental organizations for the action that they have taken against racism and racial discrimination and for the continuous support and assistance that they have provided to the victims of racism and racial discrimination;

35. *Urges* all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate, including the examination of incidents of contemporary forms of racism and racial discrimination, inter alia, against Africans and people of African descent, xenophobia, Negrophobia, Islamophobia/anti-Muslim, anti-Semitism and related intolerance;

36. *Requests* the Secretary-General to provide the Special Rapporteur with all of the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-seventh session;

37. *Decides* to continue the consideration of this matter at its fifty-seventh session under the item entitled "Elimination of racism and racial discrimination".

Draft resolution IV
Measures to be taken against political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism

The General Assembly,

Recalling that the United Nations emerged from the struggle against Nazism, fascism, aggression and foreign occupation, and that the people expressed their resolve in the Charter of the United Nations to save succeeding generations from the scourge of war,

Aware of the determination proclaimed by the peoples of the world in the Charter to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Welcoming that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 7 September 2001, condemned political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance,

Noting with regret that, in the contemporary world, there continue to exist various manifestations of neo-Nazi activities, as well as other political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, which entail contempt for the individual or a denial of the intrinsic dignity and equality of

all human beings and of equality of opportunity in the civil, political, economic and social and cultural spheres and in social justice,

Deeply alarmed at the persistence and resurgence of these phenomena and stating that they can never be justified in any instance or in any circumstances,

Noting with concern the widening misuse by such groups and organizations of the opportunities provided by scientific and technological progress, including the Internet, to promote racist and xenophobic propaganda aimed at inciting racial hatred and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Expressing serious concern at the rise, in many parts of the world, of doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia,

Particularly alarmed at the rise of such ideas in political circles, in the sphere of public opinion and in society at large,

Recognizing the important role relevant regional bodies, including regional associations of national human rights institutions, can play in combating racism, racial discrimination, xenophobia and related intolerance, and the key role they can play in monitoring and raising awareness about intolerance and discrimination at the regional level, and reaffirming support for such bodies where they exist and encouraging their establishment,

Recalling its resolutions 2331 (XXII) of 18 December 1967, 2545 (XXIV) of 11 December 1969, 35/200 of 15 December 1980, 36/162 of 16 December 1981, 37/179 of 17 December 1982, 38/99 of 16 December 1983, 39/114 of 14 December 1984, 41/160 of 4 December 1986, 43/150 of 8 December 1988 and, in particular, its resolution 55/82 of 4 December 2000,

Recalling also Commission on Human Rights resolutions 1983/28 of 7 March 1983,[14] 1984/42 of 12 March 1984,[15] 1985/31 of 13 March 1985,[16] 1986/61 of 13 March 1986,[17] 1988/63 of 10 March 1988,[18] 1990/46 of 6 March 1990,[19] 2001/5 of 18 April 2001[20] and 2001/43 of 23 April 2001,[21]

Taking into consideration the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the Commission on Human Rights,[22]

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[14] See *Official Records of the Economic and Social Council, 1983, Supplement No. 3* and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

[15] Ibid., *1984, Supplement No. 4* and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

[16] Ibid., *1985, Supplement No. 2* (E/1985/22), chap. II, sect. A.

[17] Ibid., *1986, Supplement No. 2* (E/1986/22), chap. II, sect. A.

[18] Ibid., *1988, Supplement No. 2* and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

[19] Ibid., *1990, Supplement No. 2* and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

[20] Ibid., *2001, Supplement No. 2* (E/2001/23), chap. II, sect. A.

[21] Ibid.

[22] E/CN.4/2001/21 and Corr.1.

1. *Remains convinced* that political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism, must be condemned as incompatible with democracy and accountable governance;

2. *Expresses its determination* to resist such political platforms and activities, which can undermine the enjoyment of human rights and fundamental freedoms and of equality of opportunity;

3. *Urges* States to take all available measures in accordance with their obligations under international human rights instruments to combat political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia;

4. *Calls upon* States to undertake and facilitate activities aimed at educating young people in human rights and democratic citizenship and instilling values of solidarity, respect and appreciation of diversity, including respect for different groups, and affirms that a special effort to inform and sensitize young people with respect to democratic values and human rights should be undertaken or developed to fight against ideologies based on the fallacious theory of racial superiority;

5. *Urges* all States to consider the adoption, as a matter of high priority, of appropriate measures consistent with their national legal systems and in accordance with the provisions of the Universal Declaration of Human Rights,[23] the International Covenants on Human Rights[24] and the International Convention on the Elimination of All Forms of Racial Discrimination[25] to eradicate activities that lead to violence and condemn any dissemination of ideas based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism,

6. *Expresses support* for the activities of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and calls upon all States to cooperate with him;

7. *Requests* the Secretary-General to bring the present resolution to the attention of the Member States and relevant human rights bodies and mechanisms of the United Nations system.

[23] Resolution 217 A (III).
[24] Resolution 2200 A (XXI), annex.
[25] Resolution 2106 A (XX), annex.

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29. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly takes note of the report of the Committee on the Elimination of Racial Discrimination on the work of its fifty-eighth and fifty-ninth sessions.[26]

[26] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 18* and corrigendum (A/56/18 and Corr.1).